

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference	FOR FURTHER ACTION See Form PCT/IPEA/416	
WS 2250 PCT		
International application No.	International filing date <i>(Day/Month/Year)</i>	Priority date <i>(Day/Month/Year)</i>
PCT/EP2004/014782	29.12.2004	21.01.2004
International Patent Classification (IPC) or national classification and IPC INV. D02G3/34 D01H13/32		
Applicant		
SAURER GMBH & CO. KG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority according to Article 35 and transmitted to the Applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Sheets (<i>sent to the Applicant and to the International Bureau</i>), as follows: <ul style="list-style-type: none"> <input type="checkbox"/> Sheets of the description, claims and/or drawing which have been amended and are the basis of this report and/or sheets containing rectifications authorised by this authority (see Rule 70.16 and Section 607 of the Administration instructions). <input type="checkbox"/> Sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International Application as filed, as indicated in Item 4 of Box No. 1 and the supplemental box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the supplemental box relating to the sequence listing (see Section 802 of the Administrative Instructions)). 																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the request for preliminary examination 23.04.2005	Date of completion of this report 28.03.2006
Name and mailing address of the International Examining Authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk – Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016	Authorised officer Henningsen, O Tel. +31 70 340- EPO stamp

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the International Application in the language in which it was filed, if nothing different is stated under this point.

The report is based on a translation from the original language into the following language, which is the language of the translation, which has been filed for the following purpose:

- international search (according to Rules 12.3 and 23.1b)
- publication of the international application (according to Rule 12.4)
- international preliminary examination (according to Rules 55.2 and/or 55.3)

2. With regard to the elements* of the international application, the report is based on (*replacement sheets which have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, pages

1-17 in the originally filed version

Claims, No.

1-11 in the originally filed version

Drawings, sheets

1/5-5/5 in the originally filed version

a sequence listing and/or any related tables – see supplemental box relating to sequence listing

3. The amendments have resulted in the cancellation of:

- Description: page
- Claims: No.
- Drawings: Sheet/Figs.
- Sequence listing (*specify*):
- any tables relating to the sequence protocol (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered in the opinion of the authority to go beyond the disclosure as originally filed, as indicated in the supplemental box (Rule 70.2 c)).

- Description: page
- Claims: No.
- Drawings: Sheet/Figs.
- Sequence listing (*specify*):
- any tables relating to the sequence listing (*specify*):

* If Item 4 applies, some or all of the sheets may be marked "superceded".

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.
PCT/EP2004/014782

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; documents and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-11
No: Claims

Inventive step (IS) Yes: Claims 1-11
No: Claims

Industrial applicability (IA) Yes: Claims 1-11
No: Claims

2. Documents and explanations (Rule 70.7):

see supplementary sheet

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(SUPPLEMENTARY SHEET)**

International Application No. PCT/EP2004/014782

1. Reference is made to the following document:

D1: DE 44 04 503 A1 (W. SCHLARFHORST AG & CO, 41061, MOENCHENGLADBACH, DE) 29TH SEPTEMBER 1994.

2. Document D1 is regarded as the closest prior art compared to the subject of claim 1. It discloses (the references in brackets relate to this document):

A device with which a fancy yarn can be produced, in which an effect configuration is predetermined and data is generated therefrom, which represents the selected effect configuration, and in which spinning adjustments are generated based on this data (see column 3, lines 9 to 18), wherein once it has been formed in a spinning device, the fancy yarn is guided through a sensor mechanism (13), and at least one of the parameters, diameter and mass of the fancy yarn, is continuously measured by means of the sensor mechanism and wherein the measured values are evaluated and the effect configuration of the yarn produced is determined therefrom and is compared with the predetermined effect configuration. (See column 3, lines 1 to 4, column 7, lines 24 to 53).

- 2.1 The subject of claim 1 therefore differs from the known D1 in that the spinning adjustments are changed until adequate correspondence is achieved between the predetermined effect configuration and the effect configuration of the yarn produced, instead of stopping the machine when a defect is recorded.

Accordingly, the subject of claim 1 of the application is novel in the context of Article 33(2) PCT.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(SUPPLEMENTARY SHEET)**

International Application No. PCT/EP2004/014782

3. The object to be achieved with the present invention can be seen in implementing a method, which improves the correspondence of the fancy yarn produced with the predetermined configuration of the fancy yarn.
- 3.2 The solution proposed in the characterising part of claim 1 of the application to this object, is not made obvious by any of the documents cited in the Search Report, because these do not disclose sufficient indications for the person skilled in the art, on the basis of which he would easily arrive at a method according to claim 1.

The solution is therefore based on an inventive step (Article 33(3) PCT).

- 3.3 Claims 2 to 11 are dependent on claim 1 and therefore also meet the requirements of the PCT with regard to novelty and an inventive step.